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10/811,482	03/26/2004	Mika Kalenius	944-004.046	8878

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WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

EXAMINER

WONG, WILLIAM

ART UNIT	PAPER NUMBER
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2178

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/811,482

Applicant(s)

KALENIUS, MIKA

Examiner

William Wong

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,9-11,18,20,21,23,24,26,27 and 29 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 1,3,4,9-11,18,20,21,23,24,26,27 and 29 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.

- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to the communication filed on October 9, 2007.

- Claims 1, 3, 4, 18, 20, 21, 23, 24, 26, 27, and 29 have been amended.
- Claims 2, 5-8, 12-17, 19, 22, 25, and 28 have been cancelled.

Claims 1, 3, 4, 9-11, 18, 20, 21, 23, 24, 26, 27, and 29 are pending and have been examined. Previous claim objections and rejections have been withdrawn in view of claim amendments.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 11, 21, 23, 24, and 26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As per claim 11, the claim recites "computer-readable medium encoded with a software data structure for performing the method...". A data structure constitutes nonfunctional descriptive material. The claim only states that the data structure is *for* performing the method, an intended use, not that it actually performs or executes a function. Unless combined with functional descriptive material, the claim is nonstatutory. See MPEP 2106 for more details. As per claim 21 and 23, the same reasoning applies. As per claims 24 and 26, the claims recite "a terminal comprising means for" performing the method as recited in claim 1. As

disclosed in the specification, this "means" "can be implemented by a variety of different combinations of hardware and software" (on page 7), which includes an embodiment of software alone. It is required that the terminal claim include an element of hardware in order to qualify as a machine or manufacture. For example, it is suggested that applicant replace the "means for displaying" with "a display for displaying".

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 4, 9-11, 18, 20, 21, 23, 24, 26, 27, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robotham et al. (US 2002/0015042 A1) in view of Kendall et al. (US 2005/0193053 A1).

Claim 1

As per claim 1, Robotham teaches a **method, comprising: upon accessing content a first time, displaying the content on a display screen in a first rendering mode, collecting a second user-preferred rendering mode, showing the content according to said second user-preferred rendering mode, correlating the second user preferred rendering mode to an origin of the content, and subsequently accessing a revised version of the content**

from said origin in the second user-preferred rendering mode without displaying the content in the first rendering mode, said revised version having been revised during a time interval after said showing of the content according to said second user preferred rendering mode and before said subsequently accessing said revised version, wherein said revised version of content is accessed in response to a uniform resource locator or network path (e.g. in paragraph 426-429 on page 32, "...Screening decisions can be based on criteria such as the type of the visual content element 10, the type of constituent component(s) 12, and its network location... The network location can be derived from information such as the URL of a Web-based visual content element 10 or constituent component 12" and in paragraph 502 on page 37, "The rendering technique used for the detail representation can be set by user preference... User interface 9 can allow the user switch back and forth between rendering techniques", in paragraph 207 on page 17, "A selection bookmark can specify or prioritize the type of rendering used for the region of interest..."), in paragraphs 426-430 on page 32, and in paragraph 29 on page 3; the user is able to specify or change rendering preferences stored on the server or client device, so that content will be rendered according to those preferences when it is accessed or subsequently accessed), **wherein the second, user-preferred rendering mode is a normal rendering mode, a re-authored mode, a narrow**

small screen rendering mode, or includes an overview according to a thumbnail small screen rendering mode (e.g. in paragraph 18 on page 2 in view of paragraph 11 on page 1 describes source transcoding which includes re-authoring; paragraph 26 on page 3 describes TSSR and paragraph 30 on page 3 describes NSSR), but does not specifically teach wherein said revised version of content is accessed **without a bookmark** in response to **directly typing** the URL or network path. However, Kendall teaches accessing content based on a revised version for rendering the content in response to entering the URL or network path (e.g. in paragraph 37). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Robotham to include the accessing method of Kendall for the purpose of automatically applying preferred format preferences for the content from a URL or network path.

Claim 3

As per claim 3, the rejection of claim 1 is incorporated and Robotham further teaches **wherein the content is accessed via the internet** (e.g. in paragraph 64 on page 5, "the client machine 24 becomes a node on the Internet, capable of exchanging data with other Internet computers. The browser controls the content presented on a client viewport 16 of the display 5. With the client connected as an Internet node, the browser enables specified documents to be located, fetched from a

server and displayed", and in paragraph 429 on page 32, "Screening decisions can be based on criteria such as the type of the visual content element 10, the type of constituent component(s) 12, and its network location... The network location can be derived from information such as the URL of a Web-based visual content element 10 or constituent component 12").

Claim 4

As per claim 4, the rejection of claim 1 is incorporated and Robotham further teaches **wherein the first rendering mode is a default rendering mode** (e.g. in paragraph 86-87 on page 7, *visual consistency* and *user profile consistency* establish default rendering modes) **specified by a provider of the content in source code** (e.g. in paragraph 78 on page 6, "The server 22 accesses the visual content elements 10 and their constituent components 12, provides the rendering functions, and transforms the rendered bitmap into a format convenient for the display on the client device 24", in paragraph 4 and in paragraph 8).

Claim 9

As per claim 9, the rejection of claim 3 is incorporated and Robotham further teaches **wherein the content accessed via the internet requires**

downloading an amount of data dependent upon what rendering mode is employed (e.g. in paragraph 112 on page 9, "clipping 82 can be used, for example, to remove unwanted regions of the proxy display surface 28 such as "white space," unwanted advertising banners, and/or regions that are considered less important to the user" and in paragraph 487 on page 36, "The server 22 can retain the data that identifies the "target" or associated URL of the hyper-link while sending the client 24 a more compact identifier for the "target" information... Consequently, the amount of data transmitted to the client 24 and the client's required capabilities are reduced").

Claim 10

As per claim 10, the rejection of claim 1 is incorporated and Robotham further teaches **wherein the method is performed iteratively if the user has a change of preference** (e.g. in paragraph 73 on pages 5-6, "event processing occurs cyclically, with events caused by user actions transmitted to the server, and appropriately updated display information provided to the client").

Claim 11

As per claim 11, the rejection of claim 1 is incorporated and Robotham further teaches **a computer-readable medium encoded with a software data structure** (e.g. in paragraph 62 on page 5 and in paragraph 272 on page 22).

Claims 18 and 20

Claims 18 and 20 are method claims corresponding to the method claims 1 and 3 respectively, and are rejected under the same reasons set forth in connection with the rejection of claims 1 and 3.

Claims 21 and 23

Claims 21 and 23 are computer-readable medium claims corresponding to the method claims 1 and 3 respectively, and are rejected under the same reasons set forth in connection with the rejection of claims 1 and 3.

Claims 24 and 26

Claims 24 and 26 are terminal claims corresponding to the method claims 1 and 3 respectively, and are rejected under the same reasons set forth in connection with the rejection of claims 1 and 3. Robotham further teaches a means for displaying content (e.g. in paragraphs 29 and 63) and a means for subsequently accessing content (e.g. in paragraphs 266-267).

Claims 27 and 29

Claims 27 and 29 are terminal claims corresponding to the method claims 1 and 3 respectively, and are rejected under the same reasons set forth in connection with the rejection of claims 1 and 3. Robotham further teaches a display screen (e.g. in paragraphs 29 and 63) and user input device (e.g. in paragraphs 266-267).

Response to Arguments

5. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Wong whose telephone number is 571-270-1399. The examiner can normally be reached on M-F 7:30-5:00 EST with every other Friday 7:30-4.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William Wong/


ADAM L. BASEHORE
01/07/08